IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

MONDAY, THE EIGHTH DAY OF NOVEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE A.GOPAL REDDY

WRIT PETITION NO : 2683 of 2004

Between:

1 Mohd. Saleem, S/o Abdul Quader,
R/o H.No. 16-4-113, Chanchalguda, Hyderabad.
2 Mohd. Faheem, S/o Abdul Quader,
R/o H.No. 16-4-113, Chanchalguda, Hyderabad.

..... PETITIONERS

AND

1 The Commissioner, Municipal Corporation of Hyderabad, Hyderabad.
2 The Assistant City Planner, Circle No.1, Chanchalguda, Hyderabad.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to that an Order or Direction or a Writ particularly one in the nature of Mandamus be issued directing the Respondents to forbear from attempting to pull down the residential house and/or dispossess the petitioners from the Premises bearing No. 16-4-113, Chanchalguda, Hyderabad, without following the procedure as laid down by law, ii) Costs be awarded, iii) Any other relief or reliefs be granted.

Counsel for the Petitioners:MR.B.V.BAKSHI

Counsel for the Respondents: MR.RAMA RAO GANTA

The Court, at the stage of admission, made the following :

ORDER

On reporting no instructions by the learned counsel for the petitioners, necessary notice was directed to be served on the petitioners and accordingly, the office put up a note on 5.11.2004 stating that notices sent to the petitioners on 8.10.2004 were served. In spite of such service, none represents the petitioners.

Heard the learned standing counsel for the respondents and I have gone through the report submitted by the Mandal Revenue Officer, as called for by this Court on 31.3.2004.

The said report clearly indicates that the house property bearing H.No.16-4-113 is a newly constructed house with RCC pillars, roof and brick walls. Main gate so far has not been erected. The local enquiry conducted by the Mandal Revenue Officer reveal that the house in question is a newly constructed one, which was started in the month of January, 2004 and completed in the month of April 2004. Hence, the said construction undertaken by the petitioners appears to be after obtaining the orders of interim stay of demolition granted by this Court on 13.2.2004. In view of the same, the respondents can take steps for removal of the unauthorized constructions, if any, made by the petitioners under the guise of interim order granted by this Court.

Accordingly, the writ petition is disposed of. No order as to costs.

_____

A. GOPAL REDDY. J.

8th November, 2004

tsr.

To

1 The Commissioner, Municipal Corporation of Hyderabad, Hyderabad.
2 The Assistant City Planner, Circle No.1, Chanchalguda, Hyderabad.

3. Two C.D. copies.